United Nations CERD/C/SWE/CO/22-23

International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the combined twenty-second and twenty-third periodic reports of Sweden*

1. The Committee considered the combined twenty-second and twenty-third periodic reports (CERD/C/SWE/22-23), submitted in one document, at its 2630th and 2631st meetings (CERD/C/SR.2630 and 2631), held on 2 and 3 May 2018. At its 2641st meeting, held on 10 May 2018, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the twenty-second and twenty-third periodic reports of the State party. The Committee expresses its appreciation for the frank and constructive dialogue with the State party's delegation. The Committee wishes to thank the delegation for the information provided during the consideration of the reports and for the additional written information submitted after the dialogue.

B. Positive aspects

3. The Committee welcomes the following legislative and policy measures taken by the State party:

(a) Amendments to the Anti-Discrimination Act (2008:567) to make employers and educational institutions responsible for taking "active measures" to prevent and counteract discrimination within their organizations, in January 2017;

(b) Adoption of the national plan to combat racism, similar forms of hostility and hate crime, in November 2016;

(c) Adoption of the reform programme to tackle segregation (2017–2025), in 2016;

(d) Efforts to implement the strategy for Roma inclusion (2012–2032), such as the report and recommendations of the Commission against Antiziganism, in June 2016;

(e) Measures taken by the police to increase reassurance and trust among vulnerable groups, such as local collaborative agreements and pledges to citizens;

(f) Awareness-raising by the National Agency for Education and the Living History Forum on xenophobia and racism through conferences and by allowing school staff to attend university lectures, as well by providing resources and tools on their website to fight against xenophobia and racism in schools.

* Adopted by the Committee at its ninety-fifth session (23 April–11 May 2018).

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C. Concerns and recommendations

Statistics

4. The Committee remains concerned about the lack of statistical data on the composition of the population. The Committee is further concerned about the insufficient statistical data on the enjoyment of economic and social rights by persons belonging to various ethnic groups present in Sweden (art. 2).

5. **The Committee recommends that the State party diversify its data collection by using various indicators of ethnic diversity and by allowing respondents to report anonymously and to choose how to identify themselves, in order to provide an adequate empirical basis for developing policies to enhance equal enjoyment by all of all the rights enshrined in the Convention and to facilitate the monitoring thereof.**

Equality Ombudsman

6. The Committee remains concerned that the mandate of the Equality Ombudsman is limited, that the number of successfully resolved cases is relatively low and that the resources available may not be commensurate with the expected performance of the office.

7. **The Committee reiterates its previous recommendation (see CERD/C/SWE/CO/19-21, para. 9) that the State party strengthen the Equality Ombudsman by broadening its mandate to protect members of vulnerable groups from discrimination, analyse and address the reasons for the low number of successfully resolved cases, and provide it with adequate financial and human resources to carry out its mandate.**

National human rights institution

8. While noting that a second inquiry into the establishment of a national human rights institution is under way, the Committee is concerned that, despite several recommendations from international human rights mechanisms, the State party has yet to establish such an institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (art. 2).

9. **The Committee reiterates its previous recommendation (see CERD/C/SWE/CO/19-21, para. 10) that the State party establish a national human rights institution in accordance with the Paris Principles, and provide it with sufficient human and financial resources to discharge its mandate effectively and independently, without further delay.**

Racist hate speech and violence

10. The Committee is concerned about reports that racist hate speech against Afro-Swedes, Jews, Muslims and Roma continues in the State party, particularly during election campaigns, as well as in the media and on the Internet. While welcoming the establishment of national contact points and special hate crime groups in the three metropolitan areas, the Committee regrets that these do not exist throughout the country. The Committee commends the State party's efforts to ameliorate its data-collection methods and address underreporting; however, it remains concerned about the high number of reported hate crimes and the continuation of racist violence in the State party. The Committee is particularly concerned about reports of arson attacks against mosques and reception centres for asylum seekers. The Committee is further concerned about the gap between the number of reported cases of hate speech and hate crimes, on the one hand, and the number of investigations, prosecutions and convictions of perpetrators, on the other. The Committee is concerned about the lack of information on persons affected by hate crimes on the grounds of multiple and intersecting forms of discrimination, such as gender, ethnicity, colour, religious belief, disability, gender identity or sexual orientation (art. 4).

11. **Recalling its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party step up its efforts to:**

(a) Effectively implement and enforce existing legislation and continue taking the necessary measures to protect vulnerable groups from racist hate speech, racist violence and other hate crimes;

(b) Effectively identify, register and investigate cases of racist hate speech or incitement to racial hatred and racially motivated violence and hate crimes, and prosecute and sanction those responsible;

(c) Provide mandatory and continuous training on preventing racist hate speech, racist violence and hate crimes to law enforcement officials at all levels, and continue addressing the issue of underreporting;

(d) Publicly condemn and distance itself, including in online media, from racist hate speech and xenophobic statements made by public officials and politicians, and fully apply the relevant legislation;

(e) Provide in its next report detailed information on the number and nature of racist hate crimes, including hate speech and racist violence, such as the number of cases reported, the number of prosecutions initiated as well as the number of convictions, the sentences imposed on perpetrators and the compensation awarded to victims. Also provide information, taking into account victimization surveys, on hate crimes on the basis of intersecting forms of discrimination.

Racist and extremist organizations

12. The Committee is concerned about the presence of racist and extremist organizations in the State party, and their public demonstrations. While noting the explanation provided by the State party, the Committee, recalling its previous concluding observations, reiterates its concern that the State party continues to allow the formation of organizations that promote and incite racial hatred, in contravention of the Convention (art. 4).

13. **Reiterating its previous recommendation (see CERD/C/SWE/CO/19-20, para. 13), the Committee recommends that the State party amend its legislation and prohibit the organization of groups that promote and incite racial hatred, in accordance with article 4 of the Convention.**

Special measures

14. The Committee notes that the State party maintains its decision not to use special measures. Recalling its previous recommendation (see CERD/C/SWE/CO/19-21, para. 8), it remains concerned, however, that the lack of recognition of the usefulness of special measures may perpetuate the effects of structural discrimination on all vulnerable groups and impede the full implementation of the rights in the Convention.

15. **Recalling its general recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention, the Committee recommends that the State party reconsider its position on special measures as a means of addressing the impact of structural discrimination on all vulnerable groups in the State party.**

Rights of Sami indigenous people

16. The Committee is concerned about: (a) the insufficient legislation to fully guarantee the right to free, prior and informed consent, while natural resource extraction, industrial and development projects continue; (b) the insufficient legislation to protect the rights of the Sami people in their traditional lands; (c) some groups within the Sami people that are engaged in different activities being treated differently before the law; (d) continued reports of hate crimes and discrimination against Sami people; (e) reports that the predator policy of 2013 on limiting harm to reindeer is not consistently applied and that Sami reindeer herding communities are facing difficulties in obtaining compensation for damage caused by predators (art. 5).

17. **The Committee recommends that the State party:**

(a) Take measures to enshrine the right to free, prior and informed consent into law, in accordance with international standards;

(b) **Draw up legislation to further protect the rights of Sami people in their traditional lands, take measures to combat hate crimes and discrimination against Sami people, and document, investigate and prosecute hate crimes against Sami people;**

(c) **In the application of relevant legislation, ensure that some groups within the Sami people are not disregarded;**

(d) **Implement the predator policy of 2013, compensate reindeer herders fully for damage caused to reindeer by predators and continue consultations on the 10 per cent compensation limit;**

(e) **Evaluate the implementation, outcome and effectiveness of policies designed to address the problems faced by the Sami.**

Anti-Muslim racism

18. The Committee is concerned about reports of attacks against mosques, as well as about the lack of sufficient funding to safeguard mosques against attacks and of affordable insurance against such attacks. The Committee is also concerned about the continued reports of racist hate crimes and hate speech against Muslim ethno-religious minority groups, especially Muslim women. The Committee is equally concerned about reports of the difficulties faced by persons belonging to Muslim ethno-religious minority groups in accessing employment and housing outside of minority-populated areas, amounting to de facto segregation. It is also concerned about reports of stereotypical representation of Muslims in the media and by politicians. The Committee is particularly concerned about situations of intersectionality in relation to ethnicity, religion and gender, with Afro-Swedish Muslim women, for example, appearing to be a particularly vulnerable group subject to multiple discrimination (art. 5).

19. **The Committee recommends that the State party:**

(a) **Take immediate measures and improve existing ones to fully ensure the safety of Muslim ethno-religious minority groups against violence, racist hate crimes and hate speech;**

(b) **Take immediate measures and improve existing ones to guarantee the security of property belonging to Muslim ethno-religious minority groups against hate crimes and damage, and ensure that funding and affordable insurance are provided to guarantee the safety of mosques and other common property;**

(c) **Take measures to prevent discrimination in employment and housing, and to prevent segregation in housing;**

(d) **Investigate and apply appropriate sanctions for hate speech by politicians and media professionals, and take the necessary measures to promote tolerance, intercultural dialogue and respect for diversity, aimed in particular at journalists;**

(e) **Collect data on intersecting forms of discrimination to analyse and minimize the impact of discrimination on particularly vulnerable groups;**

(f) **Evaluate the implementation, outcome and effectiveness of policies designed to address the problems faced by Muslims.**

Counter-terrorism

20. The Committee is concerned about reports that, at present, the Terrorism Act disproportionately targets Muslims, while crimes committed by other groups, such as neo-Nazi groups, are not investigated as terrorism.

21. **In the light of its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party ensure that measures to combat terrorism are undertaken in such a way as to protect fundamental human rights, including the right to equality.**

Anti-Black racism

22. The Committee is concerned about reports of discrimination against Afro-Swedes and persons of African descent, in particular, reports of racist hate crimes and hate speech, racist depictions in the media, racial profiling, de facto residential segregation, economic segregation, and difficulty accessing health care, education and employment (art. 5).

23. **The Committee recommends that the State party:**

(a) **Take immediate measures necessary to protect Afro-Swedes and persons of African descent from racist hate crimes and hate speech, and investigate, prosecute and sanction perpetrators, as appropriate, including media professionals;**

(b) **Conduct studies on de facto segregation and ensure full implementation of the reform programme to tackle segregation (2017–2025) with a view to ending economic segregation;**

(c) **Take all the necessary measures to ensure equal access to health care, education and employment;**

(d) **Evaluate the implementation, outcome and effectiveness of policies designed to address the problems faced by Afro-Swedes and persons of African descent.**

Roma

24. While taking note of the strategy for Roma inclusion (2012–2032), the Committee, nevertheless, remains concerned that Roma continue to face difficulty in accessing education, employment, housing, health care and justice. The Committee is further concerned about reports of forced evictions of certain Roma groups, living in informal settlements, and reports that Roma continue to be subjected to hate crimes (art. 5).

25. **The Committee recommends that the State party ensure adequate resources, implementation and monitoring of its strategy for Roma inclusion (2012–2032). The Committee recommends that the State party take all the necessary measures to ensure equal access by all Roma communities to education, employment, housing, health care and justice. The Committee recommends that the State party prevent forced evictions of Roma and protect them against hate crime, ensuring that all reported crimes are investigated and perpetrators prosecuted. The Committee also recommends that the State party evaluate the implementation, outcome and effectiveness of policies designed to address the problems faced by Roma.**

Police profiling

26. The Committee, having taken note of the efforts by the State party, remains concerned about reports of frequent cases of police profiling of visible minorities.

27. **The Committee recommends that the State party ensure that fundamental legal safeguards are effectively applied in order to prevent and combat racial profiling by police of all vulnerable groups, particularly Afro-Swedes, persons of African descent, Muslims and Roma.**

D. Other recommendations

Ratification of other instruments

28. **Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights instruments that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

Follow-up to the Durban Declaration and Programme of Action

29. **In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009, and that it report accordingly.**

International Decade for People of African Descent

30. **In the light of General Assembly resolution 68/237, the Committee requests that the State party include in its next periodic report precise information on the concrete measures adopted in the framework of the International Decade for People of African Descent, taking into account the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent.**

Consultations with civil society

31. **The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.**

Amendment to article 8 of the Convention

32. **The Committee recommends that the State party ratify the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.**

Follow-up to the present concluding observations

33. **In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 9, 17 (d) and 19 (b) above.**

Paragraphs of particular importance

34. **The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 13, 21, 25 and 27 above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.**

Dissemination of information

35. **The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly publicized in the official and other commonly used languages, as appropriate.**

Preparation of the next periodic report

36. **The Committee recommends that the State party submit its combined twenty-fourth and twenty-fifth periodic reports, as a single document, by 5 January 2023, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.**

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Committee on the Elimination of Racial Discrimination
Ninety-fifth session
23 April–11 May 2018
Item 6 of the provisional agenda
Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

List of themes in relation to the combined twenty-second and twenty-third periodic reports of Sweden

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (see A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. This is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2, 4 and 6)

2. Information on measures taken to diversify data collection in the State party to determine the ethnic composition of the population in terms of relevant discrimination indicators and living conditions of different ethnic groups, in particular for employment, housing, education and health (CERD/C/SWE/CO/19-21, para. 7; CERD/C/SWE/22-23, para. 33).

3. Detailed information on the implementation of the Discrimination Act (2008:567) and examples of cases and their outcomes, including effective remedies provided to victims, brought under the Act, in particular under the terminology "other similar circumstances"; information on measures to include all prohibited grounds for discrimination outlined in the Convention within the Act (CERD/C/SWE/CO/19-21, para. 6; CERD/C/SWE/22-23, paras. 24–25).

4. Detailed examples of current initiatives in the State party that may have the effect of special measures and their impact on ethnic minorities (CERD/C/SWE/CO/19-21, para. 8; CERD/C/SWE/22-23, para. 86).

5. Information on measures to improve the independence of the Equality Ombudsman and to broaden its mandate; updated information on measures taken to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), following the decision taken by the Government in 2016 on the strategy for the national

implementation of human rights (CERD/C/SWE/CO/19-21, paras. 9–10; CERD/C/SWE/22-23, paras. 26–27 and 49).

6. Updated information on a common definition of hate crimes and the implementation of technical and procedural policies to track reported hate crimes, prosecutions and convictions (CERD/C/SWE/22-23, para 7); information on measures taken to ensure hate crime units and special investigators are present in all parts of the country (CERD/C/SWE/22-23, para. 8).

7. Updated information on training given to police, prosecutors and judges to close the gap between reported incidents and convictions and the impact of such training (CERD/C/SWE/22-23, paras. 9 and 93); information on measures implemented to combat xenophobia (CERD/C/SWE/CO/19-21, para. 11; CERD/C/SWE/22-23, para. 20).

8. Detailed information on the impact of measures taken to combat racist hate speech, including the No Hate Speech Movement campaign and surveys performed on hate speech on the Internet, and dialogues with stakeholders held in 2017; information on any prosecutions and convictions of perpetrators of hate speech, including by political figures and on the Internet (CERD/C/SWE/CO/19-21, para. 12; CERD/C/SWE/22-23, paras. 152–155).

9. Updated information on measures to bring the State party's penal law into line with article 4 of the Convention, notably to declare illegal and prohibit organizations that promote and incite racial hatred (CERD/C/SWE/CO/19-21, para. 13; CERD/C/SWE/22-23, paras. 95–98).

Situation of Sami (arts. 2–7)

10. Updated information on the status of the Nordic Sami Convention and on measures to incorporate it in domestic legislation (CERD/C/SWE/22-23, paras. 119–120).

11. Information on measures taken to adopt specific legislation to protect the rights of Sami in their traditional lands, in consultation with concerned communities; measures adopted to address remaining obstacles faced by Sami, including access by non-reindeer-herding Sami to water and land (CERD/C/SWE/CO/19-21, para. 17).

12. Information on measures taken to strengthen the independence and decision-making power of the Swedish Sami Parliament, including on issues related to land rights, and to ensure it has adequate resources to carry out its functions; information on the outcome of the inquiry commissioned by the Government on the introduction of a consultation system in Sweden (CERD/C/SWE/22-23, paras. 117–118).

13. Impact of the predator policy adopted in 2013 on limiting harm to reindeer; information on measures taken to compensate Sami reindeer-herding communities for damages caused to them by predators (CERD/C/SWE/CO/19-21, para. 18; CERD/C/SWE/22-23, para. 112).

14. Information on efforts taken to obtain the free, prior and informed consent of all Sami communities on decisions that affect them, including in the context of the mining activities carried out on or near traditional Sami lands; steps taken to amend the Minerals Act and Strategy to ensure the availability of adequate consultation mechanisms to consult affected indigenous communities at all stages of the mining permit process (CERD/C/SWE/CO/19-21, para. 17; CERD/C/SWE/22-23, paras. 114–115).

Situation of ethnic minorities, including Roma (arts. 2–7)

15. Further detailed information on the implementation and impact of the reform programme to tackle segregation for the period 2017–2025, including the impact and outcome of such measures in eliminating de facto segregation along ethnic and socioeconomic lines (CERD/C/SWE/22-23, para. 87).

16. Information on measures taken to address discrimination against people of African descent, including by preventing hate crimes, racist depictions in the media and racial profiling; information on measures taken to ensure people of African descent have access to health care, education, housing and employment, without discrimination.

17. Information on the impact of education programmes and training for law enforcement officials to combat prejudice and racial profiling; updated information on the numbers of arrests and convictions under the Swedish Terrorism Act, disaggregated by age, sex and ethnicity of the accused; updated information on the work of the Parliamentary Ombudsman and others to ensure arrests and searches based solely on visible characteristics of individuals are prevented (CERD/C/SWE/CO/19-21, para. 16; CERD/C/SWE/CO/19-21/Add.1, para. 33–34).

18. Updated information on the implementation and impact of the Strategy for Roma Inclusion 2012–2032 on improving economic and social indicators among Roma; information on progress in developing municipal Roma inclusion models and efforts to spread to further localities that and other pilot programmes aimed at improving the situation of Roma; impact of efforts to raise awareness and combat discrimination and prejudice against Roma (CERD/C/SWE/22-23, paras. 69–70, 78 and 82–83).

Situation of non-citizens, including immigrants, asylum seekers and refugees (arts. 5–7)

19. Detailed information on the reforms and planned initiatives for the period 2016–2019 to enable newly arrived immigrants to join the labour market quickly; information on and impact of any initiatives on increasing access to education and eliminating high dropout rates of children of foreign origin (CERD/C/SWE/CO/19-21, para. 15; CERD/C/SWE/22-23, para. 60).

20. Information on measures taken to ensure timely processing of asylum applications, in particular of unaccompanied minors, and ensure access to health care and education without delay. Steps to facilitate family reunification of asylum seekers and refugees. Measures taken to consult asylum seekers and refugees in needs assessments and in the formulation of policies affecting them.